Notice of Triennial Review of Water Quality Standards – 2016

Version: July 8, 2016

2016 - TRIENNIAL REVIEW OF WATER QUALITY STANDARDS

The Clean Water Act (CWA) requires that States review their water quality standards every three years (Triennial Review) and revise the standards as necessary. A water quality standard consists of three parts:

1. **Designated Uses** that set goals for a water body. Examples are support of aquatic life, drinking water supply or a coldwater fishery such as trout.
2. **Criteria** that support the designated uses. There are numerous criteria for chemical substances, bacteria, acidity and physical characteristics (e.g., temperature). Examples include dissolved oxygen sufficient to support aquatic life or metals in sufficiently low concentrations that they will not interfere with aquatic life.
3. **Antidegradation policy**. Maryland has a policy in place, and updates the list of high quality waters each triennium if needed.

The Maryland water quality standards are found in the Code of Maryland regulations (COMAR) at 26.08.01 – 26.08.02. Maryland regulations may be accessed online at the Division of State Documents web site: www.dsd.state.md.us. Click on COMAR Online and enter the appropriate regulatory reference.

Prior to initiating any formal rule-making process, MDE is providing stakeholders an opportunity to present recommendations, voice concerns, and provide input on the State's water quality standards for MDE to consider for amendment and addition.

With this announcement, the Science Services Administration (SSA) at MDE is soliciting public input on its current review of the Water Quality Standards. Topics currently being reviewed by SSA are presented below. SSA invites stakeholder comments and suggestions and will consider them if the necessary data are available to make the appropriate determination(s). A subsequent promulgation of new water quality standards may include topics not included in this proposal.

Comments on the following topics and on additional issues that the public thinks should be addressed during this Triennial Review period should be submitted to Matthew Stover at matthew.stover@maryland.gov or by mail to Mr. Matthew Stover, Science Services Administration, Maryland Department of the Environment, 1800 Washington Blvd, Baltimore MD 21230.

Schedule

Depending on the comments received in response to this notice, MDE plans to formally propose new and/or revised regulations by fall of 2016, and submit a final notice on these regulations by the end of the year.

PROPOSED WATER QUALITY STANDARDS AMENDMENTS

DESIGNATED USES

MDE is investigating options for refining the Use Class IV and IV-P definitions and identifying representative aquatic life genera that are associated with cool water streams.

WATER QUALITY CRITERIA

Ammonia Criteria

The United States Environmental Protection Agency published final revised national recommended Clean Water Act 304(a) aquatic life water quality criteria for ammonia in fresh water in the Federal Register on August 22, 2013. The revised criteria incorporate up-to-date toxicity data reflecting freshwater unionid mussel and non-pulmonate (gill-bearing) snail sensitivity. MDE is considering these updated national criteria for adoption into state regulations.

Recreational Criteria

In November 2012, the United States Environmental Protection Agency released new recommendations for recreational water quality criteria to meet the requirements of the amendments to the Clean Water Act by the Beaches Environmental Assessment and Coastal Health (BEACH) Act of 2000, the federal law that refined standards for water quality at public beaches.

Although they are based on different definitions of illness and different rates of illness, these recommended criteria provide a protection level similar to the current codified criteria. As required by the BEACH Act, MDE is planning on adopting these criteria into regulation.

ANTIDEGRADATION

Modifications to List of Tier II Waters (COMAR 26.08.04-1 O)

Based on recently collected data and analysis of historical data, a total of 31 Tier II stream segments have been identified as high quality.

Due to biological index recalculation, a total of 32 stream segments have been identified as NOT being high quality. This is not based on a change to water quality. Also, three segments were listed more than one time under different names and will be removed from the list to correct these mistakes.

Administrative and editorial corrections have been identified for amendment.